

REMARKS

Reconsideration of this application as amended is respectfully requested. Claims 1, 8 and 15 have been amended, and claims 7, 14 and 20 were previously cancelled. Therefore, claims 1-6, 8-13 and 15-19 remain in this application and are again presented for the Examiner's consideration in view of the following comments.

Initially, applicant wishes to thank Examiner Pascua for the time and courtesy he extended during the telephone interview with applicant's undersigned representative on October 30, 2006. During that interview, the applicant's representative explained the differences between the present invention and U.S. Patent No. 5,683,764 to Faykish et al., and suggested claim language which may overcome that reference. The Examiner's comments were most helpful in advancing the prosecution of this application.

Claims 1-6 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In particular, the Examiner has objected to the recitation in claim 1 of "a layer of ink disposed overlies over".

Applicant has amended claim 1 to delete the redundant word "overlies". Applicant submits that, in view of this amendment, claims 1-6 now fully comply with all of the requirements of 35 U.S.C. § 112, second paragraph.

Claims 15-19 have been rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 5,683,764 to Faykish et al. ("Faykish"). In addition, claims 1-6 and 8-13 have been rejected under 35 U.S.C. § 103(a) as being obvious

over *Faykish* in view of U.S. Patent No. 5,631,068 to Smith ("Smith"). Applicant respectfully traverses these rejections.

As noted above, independent claims 1, 8 and 15 have been amended to recite that the tamper-evident indicator (claim 1) or the flexible strip (claims 8 and 15) extend in a longitudinal direction; that the first regions in which the release material is present are spaced apart by a first distance in the longitudinal direction; and that the plurality of spaces devoid of ink are spaced in the longitudinal direction by a second distance different from the first distance. Support for these limitations can be found in paragraph [0031] of the specification. As explained therein, the spaces devoid of ink in the ink layer repeat at a different rate than the pattern in which the release material is deposited so that the spaces devoid of ink overlap the deposits of release material by gradually differing amounts. As explained in paragraph [0038] of the specification, this feature makes it difficult for thieves to conceal the opening of the tamper-evident indicator by selectively coloring in the deposits of the release material with an ink marker.

Faykish fails to disclose this limitation of the claims. That is, nowhere does *Faykish* teach that the deposits of release material repeat at a different rate from the deposits of ink. Even with reference to Fig. 1 of *Faykish*, it appears that the spacing between the deposits of release material is the same as the spacing between the deposits of ink so that these deposits will overlap in a repetitive, easily identifiable pattern in the longitudinal direction of the tamper-evident indicator. Accordingly, applicant submits that independent claim 15 patentably distinguishes over *Faykish*.

Smith fails to overcome the deficiencies of *Faykish*. That is, while *Smith* includes a layer of clear ink 60 (e.g., release material) deposited in a selected pattern (column 12, lines 26-30), the colored ink layer 62 is deposited in a solid uniform layer covering the entire surface of the plastic strip (column 12, lines 39-42). Hence, nothing in *Smith* teaches the deposit of the colored ink layer so as to include a plurality of spaces devoid of ink, much less that adjacent regions devoid of ink in the ink layer should be spaced apart by a different amount than adjacent regions of the release material. In view of the foregoing, applicant submits that independent claims 1 and 8 patentably distinguish over the combination of *Faykish* and *Smith* such as to warrant their immediate allowance.

Claims 2-6 depend either directly or indirectly from claim 1, claims 9-13 depend either directly or indirectly from claim 8, and claims 16-19 depend directly from claim 15. For at least this reason, applicant submits that these dependent claims distinguish patentably over both *Faykish* and *Smith* such as to warrant their immediate allowance, which action is respectfully requested.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 10/603,345

Docket No.: SUPBAG 3.0-001

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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